

County Council Of Howard County, Maryland

2008 Legislative Session

Legislative Day No. **5**

Resolution No. 23 -2009

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the HCH Partners, II, LLC, or an affiliated entity, and Howard County, Maryland for a multi-family rental housing project known as Guilford Gardens.

Introduced and read first time _____, 2008.

By order _____
Stephen LeGendre, Administrator

Read for a second time at a public hearing on _____, 2008.

By order _____
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted __, Adopted with amendments __, Failed __, Withdrawn __, by the County Council on _____, 2009.

Certified By _____
Stephen LeGendre, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, the County has leased to the Howard County Housing Commission (the
2 “Commission”) certain real property located on Oakland Mills Road in Columbia, Howard
3 County, Maryland, which contains a 100-unit residential development for low and moderate
4 income households known as “Guilford Gardens” (the “Project”); and
5

6 **WHEREAS**, pursuant to the lease and the Commission’s Articles of Organization, the
7 Project will provide housing for low or moderate income persons and will operate on a non-
8 profit basis; and
9

10 **WHEREAS**, the Commission intends to assign the lease to HCH Partners II, LLC (the
11 “Company”), of which the Commission will be the managing member, or an affiliated entity, and
12 redevelop the Project into a 269-unit, mixed income multi-family housing development using
13 financing from the Maryland Department of Housing and Community Development (“DHCD”);
14 and
15

16 **WHEREAS**, in order to make the Project affordable, the Company has requested that the
17 County abate all County real property taxes pursuant to Section 7-505 of the Tax-Property
18 Article of the Annotated Code of Maryland; and
19

20 **WHEREAS**, in order to promote housing for low and moderate income persons, the
21 County agrees to abate all County real property taxes, subject to the terms and conditions of this
22 Agreement attached to this Resolution as “Exhibit 1”.
23

24 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
25 Maryland this ____ day of _____, 2009, that:

- 26 (1) In accordance with Section 7-505 of the Tax-Property Article of the Annotated Code of
27 Maryland, the County shall abate all County real property taxes for the Guilford Gardens
28 rental housing project subject to the terms and conditions of the Payment in Lieu of
29 Taxes Agreement attached to this Resolution as “Exhibit 1”.

1 (2) The County Executive is hereby authorized to execute and deliver the Agreement in the
2 name and on behalf of the County in substantially the form attached hereto as “Exhibit
3 1”.

4 (3) The County Executive, prior to execution and delivery of the Agreement, may make such
5 changes or modifications to the Agreement as he deems appropriate in order to
6 accomplish the purpose of the transactions authorized by this Resolution, provided that
7 such changes or modifications shall be within the scope of the transactions authorized by
8 this Resolution; and the execution of the Agreement by the County Executive shall be
9 conclusive evidence of the approval by the County Executive of all changes or
10 modifications to the Agreement, and the Agreement shall thereupon become binding
11 upon the County in accordance with its terms.